

REMARKS

Presently claims 1 to 13 are pending in the application. Claims 9 to 13 are cancelled as being drawn to a non-elected invention. The drawings stand objected to. The specification stands objected to. Claims 1, 2, 3 and stand objected to. Claims 1 to 8 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1, 2 and 4 to 8 stand rejected under 35 U.S.C. §103(a) over the U.S. Patent No. 5,882,611 to Williams et al. and U.S. Patent No. 3,828,922 to Holkestad. Claim 3 stands rejected under 35 U.S.C. §103(a) over Williams et al., Holkestad and U.S. Patent No. 3,933,240 to Humble. Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) over Williams et al., U.S. Patent No. 5,869,341 to Woodaman and U.S. Patent No. 5,976,881 to Klingner. Applicants respectfully traverse each of the rejections and request reconsideration and reexamination of the application.

The Examiner has required restriction between the following groups:

- I. Claims 1 to 8, drawn to an apparatus, and
- II. Claims 9 to 13 drawn to a method.

Applicants elect prosecution of the claims of group I, claims 1 to 8, without traverse. The remaining claims are cancelled by the present amendment.

The Examiner has objected to the drawings. In one objection, the Examiner points out that line 5-5 is missing from FIG. 1. A corrected FIG. 1 is enclosed with this response. The Examiner has opined that Figures 1 to, 9 and 10 should be designated with the legend "prior art." Applicants respectfully disagree. While some features of the invention may be similar to that of the prior art, these figures depict the current invention not the prior art. The Examiner objected to missing reference numeral 32 from the drawings. This reference numeral is included in FIG. 1 enclosed with this response. The Examiner has objected to FIGS. 4, 5 and 6 for containing references numbers missing from the description. A new paragraph describing these reference numeral has been added. No new matter is added by the paragraph. Reference numeral 108 identified by the Examiner was referenced in the original specification. The Examiner has objected to the abstract. Applicants respectfully submit that the abstract is in compliance with the regulations. Specifically the abstract concisely describes the improvements provided by this invention and uses terms which would be easily found through electronic search, and a description which would quickly inform an ordinary reader as to the nature and gist of the invention. The Examiner also indicated several typographical errors which are corrected by the present amendment.

The Examiner made numerous claim objections which have been attended to by the present amendment.

The Examiner has rejected claims 1 and 2 under 35 U.S.C. §112, second paragraph as being incomplete and omitting essential structural cooperative relationships of the elements. Applicants respectfully disagree. Nevertheless, in attending to the objections to the claims, Applicants have tidied up the grammar and presentation. It is believed that the claims meet the requirements of 35 U.S.C. §112, second paragraph. In any event, any amendments to the claims are not narrowing.

The Examiner has rejected claims 1, 2 and 4 to 8 under 35 U.S.C. §103(a) over Williams et al. and Holkestad. Holkestad is non-analogous art, there is no suggestion for making the alleged combination and even if made it would not reach the claimed inventions. Williams et al. discloses a sterilization cassette inside of a sleeve. However, Holkestad discloses an antitheft packages device. Holkestad is not properly analogous art as it is within an entirely separate field of endeavor (antitheft packages) and fails to solve any problem facing Applicants. Regardless, there would be no reason for one of ordinary skill in the art to combine the references. The package of Williams et al. needs no an antitheft feature and it already incorporates a feature for preventing the cassette from falling out of the package. Accordingly there would be no reason for one of ordinary skill in the art to make the alleged combination. However, even if the alleged combination were made it would fail to reach claimed invention. The claims define first and second tabs which extend inwardly to abut first and second sides of the cassette when it is received within the sleeve. Tabs 16 and 20 on Holkestad do not abut the sides of a cassette when it is received within the antitheft packaging device. Rather, they abut the ends of the cassette to prevent the cassette from coming out. According, Applicants respectfully submit that the claimed invention patentably defines over Williams et al. and Holkestad.

The Examiner has rejected claim 3 over Williams et al., Holkestad and Humble. Humble suffers the same fate as Holkestad of not being analogous art. Further, the tabs in Humble function similarly to those in the Holkestad reference, namely abutting the end (rather than the sides) to prevent an item from coming out of the package. Accordingly they do not reach the claimed limitation of abutting the sides of the cassette.

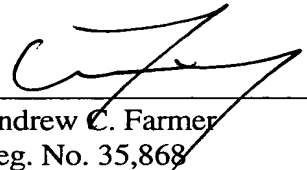
The Examiner has alternatively rejected claims 7 and 8 over Williams et al., Woodaman and Klingner. Both Woodaman et al. and Klingner are non-analogous art. Neither is within the field of endeavor of Applicants, Woodaman being in food packaging and Klinger being protective clothing, and

neither solves a problem facing Applicants. Neither is there a suggestion for combining these references with Williams et al. Even if combined they would not reach the limitation of tabs folded inwardly from the side which abut the sides of the cassette. Accordingly, Applicants respectfully submit that the invention patentably defines over Williams et al., Woodaman and Klinger.

Applicants respectfully submit that the application is presently in condition for allowance.

Respectfully submitted,

By: _____


Andrew C. Farmer
Reg. No. 35,868

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2825
Dated: August 18, 2004